

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG.PHILIPS LCD CO., LTD.,

Plaintiff,

v.

TATUNG CO.;
TATUNG COMPANY OF AMERICA, INC.;
AND VIEWSONIC CORPORATION,

Defendants.

CIVIL ACTION NO. 04-343-JJF

DEFENDANT VIEWSONIC CORPORATION'S
MOTION TO DISMISS WITH PREJUDICE

Defendant ViewSonic Corporation ("ViewSonic") hereby moves this Court to dismiss plaintiff LG Philips LCD Co., Ltd.'s ("LPL") complaint against ViewSonic with prejudice pursuant to Fed. R. Civ. P. 41(a)(2). On October 5, 2007, LPL filed a "Covenant Not to Sue ViewSonic Under the Patents-In-Suit" and intended this unconditional Covenant to eliminate all of LPL's claims against ViewSonic in this action. Accordingly, for the reasons stated in the accompanying brief, ViewSonic respectfully requests that the Court dismiss LPL's complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

If the Court decides, however, to dismiss the complaint without prejudice, ViewSonic requests that this Court allow it to show it is a prevailing party and to seek an award of attorneys' fees pursuant to 35 U.S.C. § 285 for the reasons set forth in the accompanying brief.

Date: November 5, 2007

Respectfully submitted,

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**[PROPOSED] ORDER DISMISSING LG.PHILIPS LCD CO. LTD.'S
COMPLAINT WITH PREJUDICE**

AND NOW, having considered Defendant ViewSonic Corporation's ("ViewSonic") Motion to Dismiss Plaintiff LG.Philips LCD Co.'s ("LPL") Complaint with prejudice, and the legal authority cited in support thereof, and having considered all papers and arguments submitted by the parties, and good cause having been shown,

IT IS HEREBY ORDERED THAT:

ViewSonic's Motion is GRANTED and LPL's Complaint is dismissed with prejudice.

Date: _____, 2007

United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2007, a true copy of the foregoing document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the following and the document is available for viewing and downloading from CM/ECF:

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